


FILED

UNITED STATES DISTRICT COURT

for the
Western District of TexasJUL 19 2011
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

United States of America

v.

Case No.

11-3639

Jose Luis GAYTAN

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 17, 2011 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:


Code Section

Offense Description

18 U.S.C. 1028(a)(4) and (b)(6)

did knowingly possess an identification document not lawfully issued to him;
namely, DSP-150 laser visa, with the intent said document be used to defraud the
United States.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.
Complainant's signature

Jose Dominguez

U.S. Customs and Border Protection-Enforcement Officer

Sworn to before me and signed in my presence.

Date: July 19, 2011City and state: El Paso, Texas

Judge's signature

Robert F. Castaneda

United States Magistrate Judge

STATUTE VIOLATED
18 USC 1028(a)(4) & (b)(6)

PLACE OF VIOLATION
Paso Del Norte Port of Entry
El Paso, TX

DATE
July 17, 2011

VIOLATION

The DEFENDANT, Jose Luis GAYTAN, did knowingly possess an identification document not lawfully issued to him; namely, DSP-150 laser visa, with the intent said document be used to defraud the United States.

DEFENDANT

The DEFENDANT is a 30-year-old native and citizen of Mexico.

DETENTION STATUS

The DEFENDANT was transported to the El Paso County Detention Facility, El Paso, Texas, pending initial hearing before a United States Magistrate Judge.

FACTS

That on or about July 17, 2011, the DEFENDANT, Jose Luis GAYTAN, a native and citizen of Mexico, applied for admission into the United States at the Paso Del Norte Port of Entry, El Paso, Texas, via pedestrian primary. The DEFENDANT presented to primary U.S. Customs and Border Protection (CBP) Officer Antonio Mendoza a valid DSP-150 laser visa, bearing the name and photograph of another; representing himself to be that person. Officer Mendoza noticed facial discrepancies between the DEFENDANT and the photograph depicted on the document presented. Officer Mendoza suspected the DEFENDANT was an imposter and did not admit the DEFENDANT but rather escorted him into CBP secondary for further inspection. In Passport Control Secondary the DEFENDANT'S fingerprints were scanned which revealed his true identity, he being a citizen and national of Mexico without any legal documents with which to enter the United States. The DEFENDANT stated that he found the document presented and that if successful in his attempt to enter the United States he intended to travel to El Paso, Texas to shop. CBP Officer Jose Melendez served the DEFENDANT with form I-214 (Spanish Version), Warning of Rights, which he read, said he understood and elected to exercise his right to an attorney. All questioning ceased.

CRIMINAL AND IMMIGRATION RECORD

CRIMINAL RECORD

<u>DATE</u>	<u>LOCATION</u>	<u>CHARGE</u>
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<u>REASON/DISP</u>

None could be established at this time.

IMMIGRATION RECORD

<u>ACTION</u>	<u>LOC/DATE</u>
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<u>REASON/CHARGE</u>

<u>DISPOSITION</u>

VR	09/04/08 El Paso, TX	Release/Detention of a Material Witness	Voluntary Return to Mexico
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EXHIBITS

Exhibit "A"- Form I-214, Warning of Rights, dated and signed by the DEFENDANT on 07/17/2011.
Exhibit "B"- Form I-213, Record of Excludable Alien, dated on 07/17/2011.
Exhibit "C"- DSP-150 Laser Visa, presented by DEFENDANT on 07/17/2011.